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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,733

12/30/2005

Marc-Edouard Irigoyen

2937-131

7737

6449

7590

06/10/2008

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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SUITE 800

WASHINGTON, DC 20005

EXAMINER

WENDELL, MARK R

ART UNIT

PAPER NUMBER

3635

NOTIFICATION DATE

DELIVERY MODE

06/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,733	<b>Applicant(s)</b> IRIGOYEN, MARC-EDOUARD	
	<b>Examiner</b> MARK R. WENDELL	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Applicant's arguments have been considered; however the examiner has found them not persuasive and therefore has repeated the previous action below, addressing all newly added claims. The response to arguments can be found after the rejection below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zambelli et al. (US 6647678) in view of Nacey et al. (US 6065257). Regarding claims 11 and 14, Zambelli illustrates in Figures 1-3 a beam attachment system comprising:

- Two posts (2);
- A beam (1); and
- Beam ties (31).

The examiner notes that the posts would be inherently stressed by the beam to push them apart and the beam ties would inherently be provided to keep them from falling over by applying an equal and opposite force to pull them together.

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However, Zambelli does not distinctly disclose the beam and beam ties mounted in a sliding relationship. Nacey illustrates in Figures 1 and 2 a beam (3) in sliding relationship to the beam ties (10) via a slide plate (30). Both Zambelli and Nacey disclose inventions related to beam attachment systems involving posts, beams, and beam ties. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the beam attachment system of Zambelli with the sliding plate and shoe (50) in order to easily adjust the tension of the beam tie for better beam stability and strength.

Regarding claim 12, Nacey illustrates in Figures 4 and 5 sleeves (50) mounted on the beam tie (10) used to delimit the movement of the sliding portion.

Regarding claim 13, Zambelli illustrates in Figures 3 and 4 a tubular passage (34) for the beam tie (31) which has a top, bottom, and sides (two lateral parts).

Regarding claim 15, Zambelli illustrates in Figure 2 the beam comprising several longitudinal segments (1).

Regarding claim 16, Zambelli illustrates in Figures 3 and 4 the posts (2) connected to the beam (1) via a connecting rod (12).

Regarding claim 17, Zambelli illustrates in Figure 1 the posts (2) being edge posts.

Regarding claim 18, Zambelli discloses in column 4, lines 19-23 a portion on the beam being welded steel.

Regarding claim 19, Nacey illustrates the beam tie (10) being a singular beam tie.

### ***Response to Arguments***

Applicant's arguments filed 3/28/08 have been fully considered but they are not persuasive. Regarding the argument:

“In contrast to the present claims and the assertion of the Office Action, Zambelli fails to disclose either expressly or inherently that the pillars are stressed by the beam to push them apart.”

The examiner notes that any horizontal beam being placed between and in contact with two vertical beams exerts an outward, repelling force or stress to the vertical beams thus pushing them apart. The mere fact that there is a horizontal beam between two vertical beams within the reference justifies the examiners inherency grounds. For further explanation of the scientific nature of this see “Design of Concrete Structures” by George Winter and Arthur H. Nilson, Ninth Edition, pages 326-327 (specifically Figure 6.19a).

Regarding the argument:

“The Office Action contends that Nacey figure reference no. 10 is a beam tie.

This is erroneous. Nacey figure reference no. 10 is a beam tendon, which Nacey discloses is attached only to the beam.”

The examiner notes that it is conceivable that the beam tie (10) of Nacey could replace the beam tie of Zambelli even though it is illustrated that the beam tie does not connect the extreme outer beams (4) of the bridge to the bridge itself. The beam tie as seen in Figure 3 is connected and stabilized in a through bore (60) in a concrete beam or protrusion. Based on this illustration, it is completely conceivable that the beam tie of Nacey, like that of Zambelli, could connect to the beams through a through bore. The sliding movement is described above in the Office Action.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK R. WENDELL whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/  
Supervisory Patent Examiner, Art  
Unit 3635

/M. R. W./  
Examiner, Art Unit 3635  
May 29, 2008